

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 2444 - SB 2444

February 19, 2020

SUMMARY OF BILL: Increases an offense by one classification level when committed by a motor vehicle operator that contributes to an accident resulting in bodily injury to a motorcycle rider.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$1,985,500/Incarceration*

Assumptions:

- According to the National Highway Traffic Safety Administration approximately 89,000 motorcyclists were injured in 2017, nationally. It is assumed this figure remains constant.
- A study by the Florida Department of Transportation found that 66 percent of motorcycle crashes involve more than one vehicle. Therefore, it can be reasoned that 58,740 (89,000 x 66%) motorcyclist are injured each year in an accident involving more than one vehicle.
- That study further states that 60 percent of the time motorists in other vehicles are at fault when involved with an accident involving motorcycles. Nationally, 35,244 (58,740 x 60%) motorcyclists injured each year are not at fault in an accident involving more than one vehicle.
- The United States Census Bureau estimated that the population of Tennessee represents 2.08 percent of the United States population. Therefore, there are approximately 733 (35,244 x 2.08%) motorcyclists injured each year that are not at fault in an accident involving more than one vehicle in Tennessee.
- It is currently unknown what type and how many offenses are issued as a result of the 733 injuries each year.
- It is assumed that at least five percent, or 37 (733 x 5%), of these accidents result in the prosecution of vehicular assault or vehicular homicide.
- Vehicular assault is a Class D felony, punishable by not less than two years and not more than twelve years' incarceration and a possible fine up to \$5,000.
- Vehicular homicide is a Class C felony, punishable by not less than three years and not more than fifteen years' incarceration and a possible fine up to \$10,000.
- The average time served by felony class is:
 - Class A felony – 18.69 years
 - Class B felony – 6.48 years

- Class C felony – 3.50 years
- Class D felony – 2.26 years
- Class E felony – 1.35 years
- This analysis assumes that there will be 22 vehicular assault prosecutions and 15 vehicular homicide prosecutions.
- The proposed legislation will result in:
 - 22 Class D felonies being punished as Class C felonies
 - 15 Class C felonies being punished as Class B felonies
- The average operating cost per offender per day for calendar year 2020 is \$75.52.
- The proposed legislation will result in 22 offenders each serving 1.24 more years (3.50 – 2.26), or 452.9 more days, than under current law.
- The proposed legislation will increase recurring state incarceration expenditures by an estimated \$752,466 ($\$75.52 \times 452.9 \text{ days} \times 22 \text{ offenders}$).
- The proposed legislation will result in 15 offenders each serving 2.98 more years (6.48 – 3.50), or 1,088.45 more days, than under current law.
- The proposed legislation will increase recurring state incarceration expenditures by an estimated \$1,232,996 ($\$75.52 \times 1,088.45 \text{ days} \times 15 \text{ offenders}$).
- The total recurring increase in state incarceration expenditures is \$1,985,462 ($\$752,466 + \$1,232,996$).
- Based on the Fiscal Review Committee’s 2008 study and the Administrative Office of the Courts’ 2012 study on collection of court costs, fees, and fines, collection in criminal cases is insignificant. The proposed legislation will not significantly increase state or local government revenue.
- This legislation will not significantly impact courts’ caseloads.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

/jmg